
**Michigan Commission on Law Enforcement Standards
Michigan Justice Training Commission**

Joint Commission Meeting Minutes

June 14, 2001

Airport Marriott, Wayne County Airport, Romulus, Michigan

MCOLCS MEMBERS PRESENT:

Chief Richard Butler, representing the Michigan Association of Chiefs of Police
Director Robert Denslow, representing the Michigan Association of Chiefs of Police
Mr. James DeVries, representing the Police Officers Association of Michigan
Mr. William Dennis, representing the Attorney General's Office
Mr. Jack Brown, representing the Fraternal Order of Police
Officer Richard Weaver, representing the Detroit Police Officers Association
Sheriff Gary Rosema, representing the Michigan Sheriffs' Association
Major Marie Waalkes, representing the Michigan State Police
Sheriff Henry Zavislak, representing the Michigan Sheriffs' Association

MCOLCS MEMBERS EXCUSED:

Chief Benny Napoleon, representing the Michigan Association of Chiefs of Police
Sheriff Tom Edmonds, representing the Michigan Sheriffs' Association

MCOLCS MEMBERS REPRESENTED:

Deputy Chief Walter Shoulders, representing Chief Benny Napoleon

MJTC MEMBERS PRESENT:

Sgt. Charles Powell, representing the Detroit Police Department
Mr. F. Martin Tieber, representing the Criminal Defense Attorneys of Michigan
Sgt. Michael Herendeen, representing the Michigan State Police Troopers Association
Chief Michael C. Madden, representing the Michigan Association of Chiefs of Police
Major Marie Waalkes, representing the Michigan State Police
Sheriff Gene L. Wriggelsworth, representing the Michigan Sheriffs' Association

MJTC MEMBERS EXCUSED:

Mr. Kenneth E. Grabowski, representing the Police Officers Association of Michigan

Mr. David L. Morse, representing the Prosecuting Attorneys Association of Michigan

MJTC MEMBERS REPRESENTED:

Mr. Thomas Scherer, representing Mr. Kenneth E. Grabowski

COMMISSION STAFF PRESENT:

Mr. Raymond Beach	Mr. William Nash
Ms. Cheryl Hartwell	Mr. Dale Rothenberger
Ms. Theresa Hart	Mr. David King
Mr. Gary Ruffini	Mr. Wayne Carlson
Mr. Mark Meadows, Commission Counsel	

GUESTS:

Exec. Lt. Blake Hershey, Wayne County Sheriff Department
Sgt. Gary Kellner, Wayne County Sheriff Department
Mr. Patrick Judge, Manager, International Association of Directors of Law Enforcement Standards and Training
Deputy Chief Barry Oleisysk, St. Clair Shores Police Department
Deputy David Thompson, Monroe County Sheriff's Office
Sgt. Gary Werner, Monroe Police Department
Sgt. Junetta Dolores Wynn, Detroit Police Lieutenant and Sergeants Association
Mr. Todd Scott, In-service Training Coordinator, Schoolcraft College
Mr. Dan Antieau, Police Academy Coordinator, Schoolcraft College
Mr. Bob Pearce, Associate Dean, Schoolcraft College
Mr. John Buczek, Executive Director, Fraternal Order of Police
Mr. Dan Karnes, Training Coordinator, Deputy Sheriffs Association of Michigan
Ms. Karen Brantley, Assistant Dean, Wayne County Community College District
Lt. Gary Freeman, Wayne County Airport Police
Director Tom Kelly, West Shore Community College
Mr. Israel Weisler, CEO, TEAL Team
Mr. William Spaldine, President, TEAL Team
Director John Monge, Schoolcraft College Public Safety
Mr. Arthur Williams, Wayne County Community College District
Mr. Clinton L. Donaldson, Wayne County Community College District
Officer Kenneth Engel, Flint Police Department
Officer Cathy Engel, Flint Police Department
Sgt. Kevin Gardner, Wayne County
Ms. Chandra Oden, Director of Personnel, Detroit Police Department
Director Linda Lovchuk, Kellogg Community College

GUESTS Continued:

Mr. Jeff Steffel
Mr. Jim Bolger, Grand Valley State University
Ms. Barbara Kelley, Assistant Director, Grand Valley State University Public Safety
Chief Victor Hess, Wayne County Chiefs
Mr. Jeff Brown
Mr. Norb Leonard, Attorney for Mr. Ken Engel
Lt. Steve Hausner, Wayne State University Police Department
Cpl. Sally Wright, Wayne County Airport Police
Ms. Mary Smith, Dean, Wayne County Community College District
Prof. James Jackson, Wayne County Community College District
Lt. Lawrence Adams, Detroit Metropolitan Police Academy
Director Alfred James, Wayne County Airport Police
Sgt. William Dunbar, Wayne County Airport Police

CALL TO ORDER:

The Commission Meeting was called to order by Chairman Richard Butler and Chairman Charles Powell at 10:00 a.m., at the Airport Marriott, Romulus, Michigan.

INTRODUCTIONS:

Chairman Powell welcomed everyone to the Commission meeting and deferred to Chairman Butler. Chairman Butler also welcomed everyone and asked all in attendance to introduce themselves.

PUBLIC FORUM/COMMENTS:

Chief Butler read a letter addressed to Mr. Raymond Beach from the Northern Michigan Association of Chiefs of Police in support of mandatory in-service training for police officers. He invited anyone in attendance to speak to the Commission regarding in-service training. The following individuals addressed the Commission:

Mr. Jeff Steffel explained that he conducts 20 to 30 one-day legal seminars per year throughout the state for consortiums and agencies consisting of groups of 25 to 50 police officers. He found there are problems with agencies covering overtime and shifts for officers who are attending the in-service training course. He suggested that Internet or web-based training could be an option for smaller agencies that can't provide coverage

PUBLIC FORUM/COMMENTS Continued:

during attendance at training. In addition, video training used during officer role call could also be accessed. He added that keeping officers up-to-date regarding legal issues is important and is not consistently done by all law enforcement agencies.

Mr. Jim Bolger described his background in the criminal justice system. He began his career with the Kent County Sheriffs Department and retired with 27 years of service from the Michigan State Police as a Lieutenant Colonel. Mr. Bolger is currently employed with Grand Valley State University (GVSU) and effective July 1, 2001, will be the Director of the West Michigan Criminal Justice Training Center which is associated with GVSU. He stated that a criminal justice agency's greatest resource is their employees and their greatest exposure to liability lies with their actions. Proper selection, basic training and in-service training are the foundation upon which criminal justice executives ensure that the quality of standards are met. He stated that the MCOLES has assumed a leadership role by setting the selection, basic training, and certification standards for police officers in Michigan.

The one area that Michigan is lacking in is in-service training. He has found that there is no uniform in-service training in several of Michigan's counties. Grand Valley currently services the in-service training needs of 28 counties with approximately 200 agencies. Scheduling and location of training for smaller agencies is a concern. He strongly supports in-service training statewide.

Exec. Lt. Blake Hershey from Wayne County Sheriff Department stated that even though there is not a state in-service training mandate his department mandates training for their officers. The department currently consists of 860 certified police officers. The department is conducting FATS training for all of the officers along with the MCOLES Subject Control and Use of Force Continuum. In addition, the department would like to become involved in computer based training. The Wayne County Sheriff Department currently requires 24 hours of in-service training for their officers annually.

Deputy David Thompson of the Monroe County Sheriffs' Office stated that he submits a grant annually to the Michigan Justice Training Commission for a regional training plan. He asked that as the Commission looks at mandatory in-service training they consider the cost involved to the local unit of government. Some of the costs involve overtime and travel costs to attend the training seminars. He supports mandating in-service training and feels it will also put the burden on the local units of government to give their departments money for training.

Mr. Bob Pearce, Associate Dean, stated that Schoolcraft College is a full service public safety training center offering Associate Degree programs in criminal justice, fire,

PUBLIC FORUM/COMMENTS Continued:

corrections and an EMT program. The college currently has between 1500 and 2000 individuals attend their in-service training programs each year. He felt that everyone with a vested interest in law enforcement knows there is a need for in-service training of officers. There are the issues of how to deliver the training to some of the smaller departments and staffing allocation problems. These issues could be addressed through video training or web-based training. In addition, the standard could be advisory at the beginning and later become mandatory. He offered the support and resources of the college for the endeavor the Commission may wish to pursue.

Mr. Todd Scott of Schoolcraft College stated that the college currently trains seven departments in Oakland County and have been doing it for two years. The training is a weeklong format where they cover all of the high liability areas and the recertification areas. This is done for approximately \$180 an officer. These seven agencies employ approximately 100 officers. This fall the college is developing the same type of format Downriver. He promoted the regional training center concept and his experience is that it works very well and can be done very inexpensively.

Director Bob Denslow stated that in northern Michigan the same concept is used at Kirtland Community College and has worked very well. It allows departments to interact with each other and improves law enforcement.

Chairman Butler stated that the comments made by all parties are well taken and have been strongly considered in all of the Commission's deliberations regarding in-service training.

AGENDA ITEMS:

Chairman Powell reviewed the MJTC agenda items for the audience. The items were: Grant Adjustment Requests and Special Use Requests.

Chairman Butler reviewed the MCOLES agenda items for the audience. The items were: Curriculum Update – Emergency Vehicle Operations/Subject Control; Health and Wellness Fitness Training – Approval to Pilot Test; Resolution for Mr. Tom Kelly; Decertification Investigations – Final Action and Order; Emergency Telephone Service Committee 911 Update; and Wayne County Airport Police Department In-service Training Program.

ADDITIONS TO THE AGENDA:

There were no additions to the agenda.

ACCEPTANCE OF THE APRIL 12, 2001, MCOLES MEETING MINUTES:

A **MOTION** was made by Mr. Jim DeVries and supported by Director Robert Denslow to accept the minutes of the April 12, 2001, Commission Meeting, as written.

A **VOTE** was taken. The motion carried.

ACCEPTANCE OF THE MAY 17, 2001, MJTC MEETING MINUTES:

A **MOTION** was made by Chief Michael Madden and supported by Sheriff Gene Wriggelsworth to accept the minutes of the May 17, 2001, Commission Meeting, as written.

A **VOTE** was taken. The motion carried.

CHAIRMAN'S REPORT:

Chairman Butler reported that representatives from both Commissions met on May 29, 2001, to discuss a plan of action regarding the letter from the Governor requesting the Commissions to consolidate. All aspects of a proposal were discussed and both full Commissions will meet this afternoon and Friday morning to further discuss the options.

Chairman Powell concurred with Chief Butler and stated that both Commissions are working together to come up with a proposal that will be acceptable to all members.

EXECUTIVE DIRECTOR'S REPORT:

Mr. Raymond Beach reported to the Commission on the following issues:

Budget Update - For the current fiscal year, FY 2001, the State Police, like the rest of state government is attempting to deal with a downturn in state revenues. To address the issue, the State Police asked all divisions to prepare Zero Based Budgets (ZBB). The MCOLES prepared a ZBB document for each of its four programs. To date no action has

EXECUTIVE DIRECTOR'S REPORT Continued:

been taken to reduce the MCOLES budget beyond the hiring and spending freeze which went into effect in February.

Budget development for FY 2002 continues in the Legislature. Both the House and the Senate added \$200,000 to the Standards & Training line in the MCOLES budget. The whole budget will have to be resolved in Conference Committee, but it appears that MCOLES will get some new money to address unfunded needs.

Attorney General Request for Opinion – As directed by the Commission on April 12, 2001, staff with the assistance of the Commission's Counsel, prepared a draft request. The request was sent out for review and approval by all Commission members. The letter was forwarded on June 1, 2001, to Attorney General Granholm. Staff will be preparing an updated status notification to the field which will include a copy of this letter as was promised in earlier public hearings.

New Employees - Ms. Nancy Grace began employment on May 14th as a Secretary assigned to the Standards & Training Section. Nancy transferred to MCOLES from the MSP Forensic Science Division, where she served as a secretary for 14 years in the Crime Laboratory.

On April 30th, Mr. John Steele began employment with MCOLES as a Human Resource Developer. John comes to the Commission from the Flint Police Department where he retired after a distinguished career. He has been assigned to the Standards & Training Section where he will serve as a Field Representative. Both employees will be brought before the Commission at a later date.

Hiring Process – The state hiring freeze is still in effect; however, the Department of State Police has petitioned the Department of Management and Budget for an exception that would allow for the filling of the three remaining approved positions with the MCOLES Division.

CCW Update – On April 19, 2001, staff was notified that the Governor's office had directed the entity described as "the state" in Public Act 381 will be the MCOLES for purposes of approval of instructor certification standards and the civilian training curriculum. Staff has formed a work task group and is presently in the developmental process. Should the law go into effect July 1, 2001, staff will be ready to publish a state standard.

Private Security Request -During the Senate Appropriation Subcommittee hearing on the FY 2001 State Police budget, MCOLES was asked by Senator Phil Hoffman to

EXECUTIVE DIRECTOR'S REPORT Continued:

prepare a recommendation for selection and training standards for the private security industry. MCOLES prepared a report covering an expert oriented development process, suggested areas for standards, and described what standards are utilized in other states. The report was presented to Sen. Hoffman on May 17, 2001. Sen. Hoffman extended his appreciation to MCOLES for their assistance and expert work product.

Deaf and Hard of Hearing Training - Roll call training in video format has been mailed to all Michigan law enforcement agencies. The training module was developed in cooperation with the Family Independence Agency's Division on Deafness and many law enforcement agencies. The video is intended to instruct officers as well as the Deaf and Hard of Hearing Community in effective communication techniques and legal rights. The training package includes a video tape, a visor card for use in traffic stops, wallet identification cards for the Deaf and hard of hearing, and communication access cards for each officer in the state.

Meth Lab Training - Due to the increasing volume of clandestine drug labs being discovered in Michigan, and the serious officer safety hazards they pose, the MCOLES has joined forces with other law enforcement agencies and first responders in an effort to facilitate awareness training for law enforcement responders in the field. On May 3, 2001, MCOLES hosted a 3-hour train-the-trainer course titled "Clandestine Drug Lab Awareness". This training class was facilitated by the Michigan State Police (Criminal Investigation Division) and was attended by 30 instructors from the basic training academies, in-service training providers, and law enforcement agencies from around the state.

Prior to this training class, MCOLES mailed a 60-minute training videotape on Meth Lab Awareness to every law enforcement agency in the state. The MCOLES is planning two additional sessions of this training at Ferris State University and Washtenaw Community College during the summer months.

Fall Training Directors' Conference - This year's annual Fall Training Directors' Conference will be held October 17 – 19, 2001. This conference, which involves the training directors from all 23 police academies in Michigan, will be held at the Marsh Ridge Resort in Gaylord. As in the past, all Commission Members are invited to attend.

EXECUTIVE DIRECTOR'S REPORT Continued:

David Reese v. MCOLES - On June 7, 2001, Judge Timothy Greeley, U.S. District Court Magistrate for the Western District of Michigan, signed an "Order of Dismissal" that formally dismissed Mr. Reese's ADA lawsuit against MCOLES. This dismissal at the District Court level was based on an order from the U.S. Sixth Circuit Court of Appeals that reversed the judgment of the lower court. Mr. Reese received his law enforcement certification as a result of Judge Greeley's order in October of 1998. Now that the lawsuit has been dismissed, Mr. Reese's certification has become void. Staff is currently preparing a letter for Mr. Reese that will formally notify him of this action.

Application from Wayne County Community College to Establish a Training Academy - On May 29, 2001, the MCOLES received a letter from officials at the Wayne County Community College District Criminal Justice Program. The letter asked MCOLES to consider WCCC as "a community college designated to offer the certified pre-service academic curriculum." Staff has had preliminary discussions with Mr. James Jackson, Coordinator of the CJ Program, regarding this request.

Felony Arrests - Stanley and Ben Helms – The Attorney General has issued warrants in the two cases referred to them by MCOLES staff. The warrants charge Stanley Helms with Larceny by False Pretense over \$100, Attempted Larceny by False Pretense over \$100, and Conspiracy to commit Larceny by False Pretense over \$100. They also authorized a 1-count felony warrant against Ben Helms for Conspiracy to commit False Pretense over \$100. They both have been arrested on the warrants and released on \$500.00 bond on each count and are scheduled to be arraigned on the 22nd of this month in the 56th District Court in Charlotte.

External Contacts – Staff participated by way of exhibiting and making formal presentations at the following conferences; Police Officers Association of Michigan on May 25, Fraternal Order of Police June 8-11, and the Michigan Sheriffs Association on June 10-12, 2001. In addition, staff will be attending the Michigan Association of Chiefs of Police Conference on June 24-27, 2001, and the Prosecuting Attorneys Association of Michigan Conference on July 18-21, 2001.

Law Enforcement Distribution - The Spring Law Enforcement distribution is being prepared for release at this time. A total of \$2,158,000.21 will be distributed to 424 participating agencies for 19,762 MCOLES certified FTE officers. The per capita distribution is \$108.70. There were 39 agencies with either 1 or 2 full time officers that will receive the minimum distribution of \$250.

EXECUTIVE DIRECTOR'S REPORT Continued:

Training to Locals Application Packets - Application packets have been sent to 59 law enforcement agencies for reimbursement for basic training costs for 534 potentially qualifying basic trainees. The packet includes the Request for Reimbursement form; a checklist of required attachments – including a Notice of Sworn Status form, and an information sheet describing the program. It is expected the qualified disbursements will be issued beginning in September.

MJTC Grant Applications - Grant application workshops were conducted in three locations in May to assist potential applicants in preparing for the upcoming grant year. The applications are due July 31, 2001. It is anticipated that approximately \$3.3 million will be available for award to law enforcement, prosecution, courts, corrections, and criminal defense.

COMMITTEE REPORTS:

Chairman Butler reported that the Executive Committee had not met since the last Commission Meeting.

OLD BUSINESS:

Curriculum Update – Emergency Vehicle Operations (EVO), Subject Control -

Mr. Wayne Carlson explained that approximately one year ago, MCOLES embarked on a project to resurrect emergency vehicle operations from administrative review and set a standard. A panel of subject matter experts was assembled with a wide range of representation from agencies across Michigan. They were charged with developing a curriculum and establishing pass/fail practical exercises, developing an instructor manual, and setting a standard for emergency vehicle operations. To date, the curriculum has been developed and contains 32 hours of instruction and includes an update in legal matters, departmental policies, and model policy creation. In addition, there is a night driving component. The exercises measure proficiency in six major areas. The instructor manual, when complete, will contain eight major chapters. Field testing has been conducted with the materials and staff hopes to complete it in the fall. Beginning January 1, 2002, staff hopes to pilot test this program.

The subject control curriculum has been created with major topic areas including use of force. The curriculum mandates thirteen outcomes such as approaching subjects, handcuffing, searching, patdowns, vehicle extractions, OC spray and ground defense. Every recruit will be required to participate in a reality-based scenario with the

OLD BUSINESS Continued:

involvement of some level of resistance. The instructor manual is currently under construction and will be guided by the results of the ongoing field tests. The manual will be a guide for outcome based evaluation. Staff hopes to pilot test this program at the beginning of next year.

MJTC NEW BUSINESS:

Grant Adjustment Requests

Newaygo County Sheriff's Office, Legal Update 2001 – A **MOTION** was made by Sheriff Gene Wriggelsworth and supported by Mr. Martin Tieber to **APPROVE** the grant adjustment request of the Newaygo County Sheriff's Office, Legal Update 2001 Training Program (#64340-2T00), to purchase a LCD data projector for PowerPoint presentations with \$380 charged against the grant that was available because the replacement instructor did not require mileage reimbursement. A **VOTE** was taken. The **MOTION** carried.

Westland Police Department, Advanced Urban Sniper School II – A **MOTION** was made by Mr. Martin Tieber and supported by Sgt. Michael Herendeen to **APPROVE** the grant adjustment request for Westland Police Department, Advanced Urban Sniper School II grant (#64345-2T00), to transfer \$552 from travel to contractual services in order to pay tuition for one more student to pay the Advanced Sniper School. The funds are available because officers did not spend as much budgeted money on food as expected. A **VOTE** was taken. The **MOTION** carried.

Special Use Requests

Host Out-of-State Vendor. A **MOTION** was made by Sheriff Gene Wriggelsworth and supported by Mr. Martin Tieber to **APPROVE** the following requests:

1. Michigan State Police to host The Sergeant's Role as Supervisor, Dr. Paul Whitesell (Owosso, MI), March 14-14, 2001, \$25.64 (2777).
2. South Haven Police Department to host RAR Communications, Police Media Relations Training (South Haven, MI), October 11-12, 2001, \$295.00 per trainee (2770).
3. Washtenaw County Sheriff's Office to host Armor Holdings, Less Lethal Instructor Certification Program (Ann Arbor, MI), August 6-10, 2001, \$895.00 per trainee (2772).

A **VOTE** was taken. The **MOTION** carried.

MJTC NEW BUSINESS Continued:

Out-of-State Vendor. A **MOTION** was made by Sheriff Gene Wriggelsworth and supported by Chief Mike Madden to **APPROVE** the following requests:

4. Detroit Police Department to host Glock, Inc., Advanced Armorer Course (Lansing, MI), March 27-28, 2001, \$275 per trainee (2775).
5. Kalamazoo Department of Public Safety to host EnCase Guidance Software, Intermediate Encase (Lansing, MI), June 19-22, 2001, \$1,500 per trainee (2764)
6. Michigan State Police to host Sturm, Ruger & Company, The Ruger Firearm Armorer Course (Jackson, MI), September 5-6, 2001, \$156 per trainee (2771).
7. Wayne County Sheriff's Office to host IACP, Excessive Deadly Force (Detroit, MI), August 20-22, 2001, \$480 per trainee (2765).

Out-of-State Vendor. A **MOTION** was made by Sheriff Gene Wriggelsworth and supported by Chief Mike Madden to concur with staff recommendations and **DENY** the following request:

8. Wayne County Sheriff's Office to host Franklin Covey, Four Roles of Leadership (Detroit, MI), July 10-11, 2001, \$1,495 per trainee (2766).

A **VOTE** was taken. The **MOTION** carried.

Out-of-State Training. A **MOTION** was made by Mr. Martin Tieber and supported by Major Marie Waalkes to **APPROVE** the following requests with staff recommendations:

9. Detroit Police Department to Leesburg, VA (July 24-27, 2001), \$2,215.50 for Guidance Software, Inc., Introductory EnCase.
10. Kalamazoo County Sheriff's Office to Mansfield, OH (October 1-5, 2001), \$2,183.39 for Technical Surveillance Sciences, Inc., Digital Imaging I.
11. Michigan State Police to Oklahoma City, OK (July 29-August 2, 2001), \$1,165.25 for IACP 35th Annual Conference.
12. Michigan State Police to Newport Beach, CA (July 8-13, 2001), \$2,716.00 for Assoc. Firearm & Toolmark Examiners 2001 Annual Meeting.
13. Oakland County Sheriff's Office to Lincoln, NE (July 24-26, 2001), \$848.80 for Pen-Link, Ltd., CATS Workshop.
14. Wayne County Sheriff's Office to Washington, DC (July 16-18, 2001), \$2,516.00 for Performance Institute Traffic Stops and Racial Profiling.
15. Wayne County Sheriff's Office to Chicago, IL (August 6-9, 2001), \$2,475.00 for Chicago Police Department International Conference on Organized Crime.
16. Wayne County Sheriff's Office to Myrtle Beach, SC (October 22-23, 2001), \$3,029.75 for Thomas and Means Physical Performance Standards.

A **VOTE** was taken. The **MOTION** carried.

MJTC NEW BUSINESS Continued:

Equipment Purchase – A **MOTION** was made by Chief Mike Madden and supported by Sheriff Gene Wriggelsworth to **APPROVE** the following equipment purchase request:

1. Wayne State University Department of Public Safety to purchase an Ultra Portable DLP Projector, \$2,521.00 (2778) for internal training of certified officers.

A **VOTE** was taken. The **MOTION** carried.

MCOLES NEW BUSINESS:

Health and Wellness Fitness Training – Approval to Pilot Test – Mr. Dale

Rothenberger explained that in the summer of 2000, MCOLES entered into a contract with the Cooper Institute for Aerobic Research for the development of a physical fitness training curriculum and a health and wellness training curriculum. In the fall and winter of 2000/2001, MCOLES worked with Cooper and a panel of SMEs to configure a physical fitness training curriculum suitable for implementation in the Michigan police training system. The same process was used for developing a health and wellness curriculum.

The health and wellness curriculum is composed of 8 one-hour blocks of instruction, which are intended to educate the trainee to an appreciation for health and wellness issues related to job performance and longevity. The classes are intended to be taught in a classroom and will add 8 hours to the mandated curriculum.

The physical fitness training program consists of 36 one-hour modules. The curriculum is composed of 8 general areas such as strength training, plyometrics, and cardiovascular training. These 8 content areas are repeated through four cycles with the complexity and fitness levels increasing with each cycle. Four one-hour sessions are devoted to introduction to fitness assessment progress and percent body fat. In almost all academies these hours will shift from academy specific (800) hours to MCOLES mandated hours.

During the last week in March, Cooper conducted a 40-hour training session for academy instructors.

Staff requested that the Commission approve implementation of the two curricula for pilot testing during the training year beginning August 1, 2001. It is proposed that all regional training academies pilot test the curriculum as well as volunteer preservice

MCOLCS NEW BUSINESS Continued:

academies. In addition, it is proposed that the results of the pilot test be considered for any necessary revision to the curricula with the intent to mandate implementation of the programs at all approved training sites beginning August 1, 2002.

A **MOTION** was made by Mr. Jack Brown and supported by Sheriff Gary Rosema to accept the recommendation of staff and approve the implementation of the two curricula for pilot testing during the training year beginning August 1, 2001.

A **VOTE** was taken. The motion carried.

Resolution for Mr. Tom Kelly, West Shore Community College - Chairman Butler recognized Mr. Tom Kelly, Director of West Shore Community College's Criminal Justice Program, and congratulated him on his retirement. Mr. Kelly was honored with a resolution presented by the Commission for his many years of professional service in law enforcement and criminal justice education.

A **MOTION** was made by Mr. Jack Brown and supported by Sheriff Henry Zavislak to approve the resolution for Mr. Tom Kelly as written.

A **VOTE** was taken. The motion carried.

Decertification Investigations - Final Action and Order – Mr. Bill Nash explained that staff's investigation concluded that Mr. Kenneth Engel (Case Number 98-457-019) was convicted of two counts of Negligent Homicide, under MCL 750.324, on July 31, 1998, in the 18th Circuit Court of the County of Bay. Negligent Homicide carries a penalty of two years in prison, or a fine of not more than \$2,000.00, or both. Therefore, it falls within the definition of "felony" contained in MCL 28.602(f). Mr. Engel currently holds certificate #B0004271 and is working at the Flint Police Department as a certified officer. Mr. Engel refused the offer of resolution in this matter, therefore, a contested case was held on March 9, 2001, before Hearing Officer Lawrence P. Schneider. Included in the official record of the case which, each Commission member received for review, was a copy of the "Opinion and Decision" written by Mr. Schneider.

It was staff's recommendation that Mr. Schneider's "Proposal for Decision" be adopted, in part, with Commission amendments. According to the Administrative Procedures Act the Commission has four options in resolving this case: (1) adopt the Proposal for Decision as written; (2) amend the Proposal for Decision and adopt it with additions and deletions; (3) reject the Proposal for Decision and substitute a new Final Decision and

MCOLCS NEW BUSINESS Continued:

Order; or, (4) if the Commission finds that the record is inadequate send the matter back for a new hearing.

Mr. Norb Leonard, Attorney for Mr. Engel addressed the Commission regarding his client. He stated that Mr. Engel has been an exemplary police officer since 1989. On July 31, 1997, while off duty, Mr. Engel rear-ended a Pontiac Trans Am and the vehicle's fuel tank broke open, caught fire and the two passengers died. One year later, Officer Engel was convicted of negligent homicide. Mr. Leonard stated that the legislators in adopting the statute, which sets forth what would constitute negligent homicide, specifically define this act as a misdemeanor. Officer Engel has accepted full responsibility for his negligent act of rear-ending the other vehicle. He was put on probation for two years, suspended from his duties for 30 days, and his driver's license was suspended for one year. Mr. Leonard stated that Officer Engel has paid his debt and the suspension period constitutes punishment for what has occurred. He asked the Commission to adopt the opinion of the hearing officer as written in its entirety. He asked that Officer Engel be allowed to address the Commission.

Officer Engel stated that he has been a police officer for the City of Flint for 12 years. He thanked the Commission for their time and the staff Mr. Gary Ruffini and Mr. David King for their work in investigating his case. He stated that because of the accident he was very sorry that people lost their lives.

Mr. Mark Meadows explained that it is the responsibility of the Commission at the outset of the proceeding to decide whether it is a proposal for decision or a final decision and order. It was stated in the opinion that Mr. Schneider was going to leave that up to the Commission.

A **MOTION** was made by Sheriff Henry Zavislak and supported by Director Robert Denslow that the Commission treat the document forwarded to them by the hearing officer as a proposal for decision under the Administrative Procedures Act.

A **VOTE** was taken the motion carried.

Chairman Butler explained the following options to the Commission; adopt the proposal for decision as written by the hearing officer, adopt part of the proposal for decision with

MCOLCS NEW BUSINESS Continued:

amendments by the Commission, issue a new final decision and order based on the findings of fact, or find the record inadequate for the purpose of judicial review sending the matter back for a new hearing.

A **MOTION** was made by Sheriff Gary Rosema and supported by Sheriff Henry Zavislak to adopt the hearing officer's proposal for decision as written.

Mr. Jim DeVries asked if this action would be precedent setting over future cases reviewed by the Commission or if each case could be looked at independently.

Mr. Meadows explained that an administrative decision has no effect on future decisions of the Commission and the decision would not be binding on any future activity. A policy established by the administrative hearing officer to do less than revoke where the circumstances may emotionally guide you in a different direction.

Mr. Jack Brown expressed concerns that an administrative action would set a precedent that could be quoted in the future if the Commission adopts the hearing officer's decision as written.

Mr. Meadows stated that the action the Commission takes on this matter would not be precedent setting and would not bind them in any future action. If the proposal for decision were adopted at some future time an individual may bring the issue up but legally the Commission could be defended due to the fact that each case is decided by its own set of facts. The statutory provision, which is the issue in the administrative hearing, is set forth at MCL 28.609b. which states that the Commission shall promulgate rules to provide for the revocation of certification of a law enforcement officer for one or more of the following; conviction by a judge or jury of a felony, conviction by a plea of guilty to a felony, conviction by a plea of no contest to a felony, and making a materially false statement or committing fraud during the application for certification process. It also states that the rule shall provide for the suspension of a law enforcement officer from use of the Law Enforcement Information Network (LEIN) in the event that the officer wrongfully discloses information from the LEIN. He stated that anything that carries a prison term of more than one year is to be considered a felony for purposes of this Act.

Sheriff Henry Zavislak stated that after reviewing the hearing officer's proposal for decision, his interpretation was that rules could not be promulgated to fit every case therefore giving the Commission some latitude in terms of the decision making process.

A **VOTE** was taken. The motion carried.

MCOLCS NEW BUSINESS Continued:

Mr. Nash presented the case of Mr. Joseph Melville v. MCOLCS, (Case #00-811-164). Staff's investigation concluded that Mr. Melville was improperly enrolled in the Wayne County Regional Police Academy session as an in-service candidate. At the start of the academy, Mr. Melville was not being paid by the Belleville Police Department and was not sent to the academy for the purpose of becoming a certified law enforcement officer for that department. He was charged in the formal complaint from MCOLCS for violation of the MCOLCS Act, making materially false statements during the application process. Mr. Melville was afforded a contested case on March 14, 2001, before Hearing Officer Haywood Julian. In the official record supplied to the Commission was a copy of Mr. Julian's opinion and decision. Mr. Melville was not certified at the time of the formal complaint. This case falls under the Commission's old due process procedures which were changed in December of 2000.

It was staff's recommendation that the Commission adopt Mr. Julian's opinion and decision in this matter.

Mr. Joseph Melville asked to address the Commission. He stated that he felt he was done wrong and that the investigation in this matter was mishandled. He asked that the actions of Mr. Gary Ruffini, the investigator in this case, be investigated. He was pulled from the academy during the third week of class, the problem with his department was corrected and he was reinstated. He completed the academy successfully, took the MCOLCS certification exam and was withdrawn for the same issues by Mr. Ruffini.

Mr. John Williams, attorney for Mr. Melville asked the Commission to send the matter back for a new hearing due to some inconsistencies in the testimony of the Chief of Police. He stated that Mr. Melville was caught up in political haggling with the City of Belleville regarding the payment for his academy training. When he began the program, Mr. Melville thought the city was going to pay. When he was approached by Mr. Ruffini, the city agreed to pay for the training course and his salary retroactive. Mr. Ruffini allowed him to finish the course and pulled him out on the very last day.

Mr. Mark Meadows explained that one of the Commission's options would be to send the case back. Review of the proposal for decision appears to have considered all of the arguments that were presented to the Commission.

Sheriff Zavislak asked if during the hearing Mr. Williams was allowed to cross examine the chief during his testimony. Mr. Williams stated that he was not prepared to bring in rebuttal witnesses because he did not anticipate that the chief would testify the way that he did. Sheriff Zavislak asked if there were documents signed by Mr. Melville and the city during his academy training that stated he was being paid by the Belleville Police

MCOLS NEW BUSINESS Continued:

Department. Mr. Williams stated that Mr. Melville was being paid as a reserve officer during that time.

Mr. Jack Brown asked Mr. Williams, why he did not ask for a recess or an opportunity to present witnesses, if they were shocked by the chief's testimony? Mr. Williams stated that they did not ask at that point but the testimony was contrary to the interview that he had with the chief.

A **MOTION** was made by Sheriff Henry Zavislak and supported by Major Marie Waalkes to accept the proposal for decision as written by the hearing officer in the case of Mr. Joseph Melville.

A **VOTE** was taken. The motion carried.

Mr. Nash stated that as of June 1, 2001, there have been 342 complaints filed with the Standards Compliance Unit. Of those cases, to date 105 have been completed. This leaves 237 cases to be investigated. Some of the 237 cases are in various degrees of investigative status. Staff has four contested case hearings scheduled this month.

Emergency Telephone Service Committee (911) Update- Mr. Dale Rothenberger explained that the MCOLS became involved in Dispatcher Training with the passage of Act 78 of 1999. The Act required MCOLS to approve dispatcher training courses funded through surcharges on cell phone bills. In order to implement that legislation, MCOLS has actively participated with the Emergency Telephone Service Committee (ETSC) to implement procedures which would satisfy the objective of providing quality training for persons employed in 9-1-1 centers.

The legislation requires that MCOLS approve both basic and in-service courses funded through the dispatcher training fund. MCOLS has been actively involved in developing a process, which is modeled after existing MCOLS/MJTC processes. Identification of the eligible population of trainees will be done by taking a census of public safety answering points (PSAPs) during June. This will identify the number of dispatchers, dispatch supervisors, and 9-1-1 center managers in Michigan. Once the number of eligible personnel is known, the Michigan Department of Treasury will determine the per capita distribution amount for each eligible PSAP. Checks will be mailed in August thereby providing funds for sending employees to MCOLS approved training.

The training approval process will be modeled after the current TC-34 in-service approval process used by MCOLS. Training will then either be approved or denied based on agreed upon criteria by the ETSC and MCOLS. In the event a proposed

MCOLCS NEW BUSINESS Continued:

course is denied, an appeal may be made to the training subcommittee for reconsideration. In the event of a continued denial, the appeal will be forwarded to the full MCOLCS Commission for review and final determination.

Courses which are approved will be registered and tracked by the Information Technology (IT) Section. Individual trainees will be tracked as the capability becomes available as part of the IT project.

Wayne County Airport Police Department – In-service Training Program– Mr. Alfred James, Director of Public Safety for the Wayne County Airport explained that approximately seven years ago five departments in the area began in-service training together. Since that time, 43 additional departments have also joined this training program. The departments are now considering forming a consortium and are currently working with Wayne County Community College.

Sgt. William Dunbar and Mr. James Jackson gave a brief presentation regarding Wayne County Community College and their Criminal Justice Program. Wayne County Airport will be forming a partnership with the college regarding in-service training for their officers. They would like to work closely with both Commissions on what will eventually become a mandatory in-service training program.

COMMISSION ATTORNEY REPORT:

Mr. Mark Meadows reported that the letter asking for an Attorney General Opinion regarding “Other Organizations” had been assigned and a draft response would be forwarded to the Attorney General by July 9, 2001. Mr. Meadows will have more to report at the August Commission Meeting.

In the case of a Detroit Police Academy recruit accused of cheating on the MCOLCS certification examination, an order for dismissal was submitted to the court and no objections were filed by the student's attorney. The case had a protective order entered by the court which covers some documents relating to the examination itself.

MISCELLANEOUS:

Mr. Raymond Beach announced that following the MCOLES/MJTC luncheon, a tour of the airport would be provided by the Wayne County Airport Department of Public Safety. In addition, the Commissions would be reconvening at 3:30 p.m. for their scheduled planning session.

NEXT MEETING:

MCOLES

DATE: August 23, 2001

TIME: 10 a.m.

LOCATION: Northern Michigan University, Marquette, Michigan

NEXT MEETING:

MJTC

DATE: July 19, 2001

TIME: 9:30 a.m.

LOCATION: Michigan State Police Training Academy, Lansing, Michigan

ADJOURNMENT:

A **MOTION** was made by Major Marie Waalkes and supported by Director Robert Denslow to adjourn the meeting at 12:30 p.m..

A **VOTE** was taken. The motion carried.

APPROVED BY _____ ON _____
MCOLES Chair

WITNESSED BY _____ ON _____

APPROVED BY _____ ON _____
MJTC Chair

WITNESSED BY _____ ON _____

